

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kenneth A. Glidden
Serial No.: 10/710,361
For: EMAIL ADDRESS IDENTIFIER SOFTWARE, METHOD,
AND SYSTEM
Filed: July 3, 2004
Examiner: Matthew S. Lindsey
Art Unit: 2451
Confirmation No.: 4360
Customer No.: 27,623

Attorney Docket No.: 384.8613USU

APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. 1.705(B)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Allowance dated March 23, 2010 sets forth a determination of patent term adjustment (PTA) under 35 U.S.C. 154(b) of 811 days. Applicant respectfully requests that the PTA be reconsidered.

Facts

Rule 703(a)(1) Delay

The 703(a)(1) delay is calculated starting with the day after the date that is 14 months after the filing date and ending with the mail date of an action under 35 U.S.C. 132. See 37 C.F.R. 1.703(a)(1).

In the present application, the filing date is July 3, 2004. Thus, 14 months plus 1 day is July 4, 2005. The date of the first office action under 35 U.S.C. 132 is March 26, 2008.

The period of adjustment under Rule 1.703(a)(1) therefore runs from July 4, 2005 to March 26, 2008, which amounts to 1096 days. This delay is hereinafter referred to as "A" delay.

Rule 702(b) Delay

The Rule 702(b) delay is calculated starting on the day after 3 years after filing. See 37 C.F.R. 1.702(b). For the present application, the Rule 703(b) delay is considered to end on the date of the filing of an RCE. See 37 C.F.R. 1.703(b)(1).

In the present application, the date corresponding to 3 years plus 1 day after filing is July 3, 2007. An RCE was filed on November 19, 2009. The period of adjustment under Rule 703(b)(1) runs from July 3, 2007 to November 19, 2009, which is 870 days. There is an overlap of 428 days between the delays of Rule 702(a)(1) and Rule 702(b) running from July 4, 2007, the day after 3 years after filing, to November 19, 2009, the mail date of the first office action. The overlap reduces the effective

delay under Rule 703(b) to 442 days. This delay is hereinafter referred to as "Non-overlapping 702(b) Delay" or "B".

Rule 704(b) Delays

Rule 704(b) states that Applicant will be deemed to have failed to engage in reasonable efforts to conclude processing or examination for periods of time in excess of 3 months from the date of notice or action by the USPTO. See 37 C.F.R. 1.704(b).

In the present application, there are two delays attributable to the Applicant. The first period of delay runs from 1 day after the 3-month period for reply for the first office action mailed March 26, 2008 to the mailing date of the actual response to that first office action, August 26, 2008. Thus, the first period runs from March 27, 2008 to August 26, 2008 for 61 days. The second period of delay runs from 1 day after the 3-month period for reply for the non-final office action mailed December 23, 2008 to the mailing date of the actual response to the first office action, May 21, 2009. Thus, the second period runs from March 24, 2008 to May 21, 2009 for 59 days.

The total delay attributable to the Applicant is 61 days plus 59 days or 120 days. The total delay is hereinafter referred to as "Total Applicant Delay" or "C".

Finding

Calculation of Total Delay

Applicant is entitled to a PTA calculated as follows:

Total 702(a) Delay: A = 1096 days

Non-overlapping 702(b) delay: B = 442 days

Total Applicant Delays: C = 120 days

PTA = A + B - C = 1096 + 442 - 120 = 1418 days

Fee

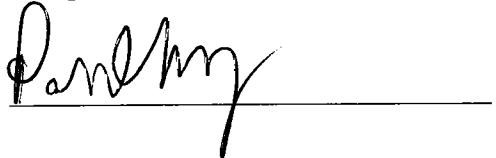
Applicant submits herewith the fee under Rule 1.18(e) as prescribed by Rule 705(b)(1).

Terminal Disclaimer

The present application is not subject to any terminal disclaimer.

Reconsideration of the PTA is deemed warranted in view of the foregoing.

Respectfully submitted,



Dated: June 23, 2010

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